

# HOUSE BILL 1158

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By: **Delegate Costa**

Introduced and read first time: February 17, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Commercial Finfish – Bycatch**

3 FOR the purpose of clarifying that certain persons are prohibited from catching or  
4 possessing tidal finfish in violation of certain size limits; creating an exception  
5 to the prohibition by authorizing certain persons to possess a certain bycatch of  
6 individual species of tidal finfish; and generally relating to catching or  
7 possessing tidal finfish.

8 BY repealing and reenacting, without amendments,  
9 Article – Natural Resources  
10 Section 4–215(a)(4) and (e) and 4–734  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2009 Supplement)

13 BY adding to  
14 Article – Natural Resources  
15 Section 4–734.1  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 4–215.

22 (a) (4) “Fishery management” means the system used to conserve and  
23 allocate the fishery resource, including research and data collection, determination of  
24 objectives and management measures, and establishment, enforcement, and periodic  
25 evaluation of regulations.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) A fishery management plan may include:

2 (1) Proposed limitations on the catch of fish, based on area, species,  
3 size, number, weight, sex, incidental catch, total biomass, or other factors, which are  
4 necessary and appropriate for conservation and management of a fishery;

5 (2) Incorporation of relevant fishery conservation and management  
6 measures proposed or adopted by interstate bodies of which Maryland is a member;  
7 and

8 (3) Other proposed measures, requirements, or conditions and  
9 restrictions which are necessary and appropriate for fishery management.

10 4-734.

11 (a) A person may not sell, offer to buy or sell, or possess any of the following  
12 fish:

13 (1) Bass, largemouth or smallmouth less than 15 inches from March 1  
14 through June 15, and less than 12 inches from June 16 through the end of February;

15 (2) Pike less than 14 inches; and

16 (3) Taylor less than 8 inches.

17 (b) Measurement for each fish mentioned above shall be from the tip of the  
18 nose to the end of the tail.

19 (c) The Department may set the size limits for white perch. However, the  
20 Department may not prohibit catching white perch more than 8 inches.

21 **4-734.1.**

22 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**  
23 **TIDAL FISH LICENSEE MAY NOT CATCH OR POSSESS ANY TIDAL FINFISH IN**  
24 **VIOLATION OF ANY SIZE LIMIT ESTABLISHED UNDER THIS TITLE OR**  
25 **REGULATIONS ADOPTED BY THE DEPARTMENT.**

26 **(B) A TIDAL FISH LICENSEE MAY POSSESS A BYCATCH OF AN**  
27 **INDIVIDUAL SPECIES OF TIDAL FINFISH IF THE BYCATCH DOES NOT EXCEED 5%**  
28 **OF THE TOTAL NUMBER OF THAT SPECIES OF FINFISH POSSESSED.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2010.